



FACTS FOR HAWKERS AND PEDDLERS

Select Board Office
4 Boltwood Avenue
(413) 256-4001

1. Anyone who sells merchandise by going either from town to town or from place to place in the same town is acting as a hawker or peddler.
2. If sales are not being conducted from a tent, booth, building, or other structure, a hawkers and peddlers license is required.
3. The laws regarding hawkers and peddlers do not apply to the following people:
 - Wholesalers selling only to dealers.
 - Commercial agents selling by samples, catalogues, or other means intended to promote future sales.
 - Heating oil dealers.
 - Sellers of fish, fruits, vegetables, or other farm products produced by the seller or the seller's family.
 - Sellers of articles for charitable purposes.
 - Licensed sellers of dairy products.
4. Hawkers and peddlers may not sell the following items:
 - Jewelry, except for costume jewelry valued at no more than ten dollars that is made by a nonprofit or charitable organization.
 - Furs.
 - Wines or other spirits.
 - Small artificial flowers and miniature flags, except by temporary license.
5. Hawkers and peddlers may sell the following items without a license:
 - Newspapers and religious publications.
 - Flowering plants.
 - Uncultivated (wild) flowers, fruits, nuts, and berries.
6. If you wish to sell items other than those listed in section 5 (above), you must have a State License to Peddle and a State Sales Tax License, which you can obtain through the following steps:
 - Request an application for a State License to Peddle from the Amherst Select Board Office, Town Hall, Amherst OR: Division of Standards
Commonwealth of Massachusetts
One Ashburton Place, Room 1115
Boston, MA 02108
(617).727-3480

OR online at: <http://www.state.ma.us/standards/license.htm>

(Over)

- Send the completed application to the Division of Standards in Boston, as indicated on the form. You must also send the appropriate fee: \$62 for a state-wide license.
- Apply to the Department of Revenue (DOR) for a Sales Tax License, form TA-1. The filing fee is \$10. Once you begin business, you will have to collect 5% sales tax or meals tax if applicable and remit these tax revenues to the DOR. (DOR tel: 413-784-1000)
- When you begin to sell, you must sign your license and wear it conspicuously on your outer clothing.

7. In order to sell in Amherst, you must observe the following further steps and regulations:

- When you receive your State license, register your name, peddler's license number, and sales or meals tax license number with the Select Board's Office, Town Hall, Mezzanine Level. You must register your State license with the Select Board each year that you are in business. If you do not need a license, you still register every year.
- If you are selling food, you must have a permit from Inspections (256-4033 Ext. 120, located in the Bangs Community Center). You must also obtain a Lunch Cart License from the Select Board, for a fee of \$100, and a meals tax number from the DOR.
- You may not sell between 8:00 p.m. and 8:00 a.m. during May, June, July, and August; between 7:30 p.m. and 8:00 a.m. during September; and between 6:00 p.m. and 8:00 a.m. during the rest of the year. If you wish to obtain an exemption from these hours, contact the Select Board's Office.
- If your selling is likely to generate trash or litter, you must provide a trash receptacle.
- Selling must be done on the sidewalk in such a way as to not impede pedestrian traffic. **No hawker or peddler shall sell adjacent a sidewalk in front of a bus stop.** You may not sell from a vehicle or on any of the Town common areas.
- Parking is at a premium in downtown Amherst. Please comply with all Town parking regulations. You may not park at a meter for other than the specified time indicated on the meter – meter feeding is not permitted, nor is long-term parking in designated loading zones. Failure to comply with Town parking regulations may result in being ticketed or being asked by the Police Department to discontinue selling.
- Displays, including all equipment and supplies, may be no larger than 32 square feet in area.
- The fine for violating any of the Town regulations is \$10 per offense.

Commonwealth of Massachusetts
Division of Standards
Consumer Affairs & Business Regulation
(617) 727-3480

FEE \$62.00

Office Use Only HP ____ No. ____ Issue Date ____ Issued By: ____
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Application for License to Peddle

(Under the provisions of Chapter 101, General Laws, and Amendments and additions thereto.)

This form of application must be filled out as directed, duly signed, and returned to this office with the full amount of the fee, before a license will be issued.

CASH, CERTIFIED CHECK, REGISTERED CHECK OR MONEY ORDER: Make check payable to the Commonwealth of Massachusetts. Do not mail cash.

To the Director of Standards, 1 Ashburton Place, Rm 1115, Boston, MA 02108, 617-727-3480.

I, the undersigned, hereby apply for a STATE LICENSE

TYPE OF GOODS SOLD: _____

NAME: _____ SSN# OR FED ID#: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DATE OF BIRTH: _____ PHONE NO: _____

1. Do you use a motor vehicle? ____ YES ____ NO Registration No. _____
2. Have you been convicted of any offense against the laws of this state or the ordinances or by laws of any city or town? ____ YES ____ NO if yes state fully the nature of the offense, the court where convicted, data of conviction and penalty imposed.
3. Have you had a license to peddle within the last five years? ____ YES ____ NO If yes, License Number _____
4. **PURSUANT TO MASSACHUSETTS GENERAL LAW CHAPTER 62C SECTION 49A, I CERTIFY UNDER THE PENALTIES OF PERJURY THAT I, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE FILED ALL STATE TAX RETURNS AND PAID ALL STATE TAXES REQUIRED UNDER LAW.**

Signature of Applicant: _____ Date: _____

CERTIFICATE OF CHARACTER:

(Must be signed by Chief of Police of the city or town in which applicant resides.)

I, the undersigned, _____ of the City/Town of _____

hereby certify that to the best of my knowledge and belief that, _____ the above named applicant, is of good repute for morals and integrity.

SIGNED: _____ Chief of Police Date: _____

* Please check with each Community for local rules and regulation pertaining to sales from stationary or fixed locations.

SEE INSTRUCTIONS ON BACK OF APPLICATION

State Hawker and Peddler Applicants Instructions

1. Fill out all information on application.
2. Take the completed application to the Police Station in the City or town in which you reside and have the Chief of Police sign the Certificate of Character as required by state law.
3. Return your application to this office with the correct fee of sixty-two dollars (\$62.00). Your license will be issued while you wait, or you may send it by mail with a money order, certified check or registered check.
4. If you wish to obtain a local city or town license you may do so through the local municipality where you wish to conduct business. If the city or town you select does not issue local licenses you must procure a state license from this office.

Make check payable to the Commonwealth of Massachusetts. State license fee is sixty-two dollars (\$62.00).

Criminal Record Check:

A criminal record check may be required by your local Police in applying for a license. Check with the local Police Department where you live. If you do not require a record check, please fill out the attached form and mail to The Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150.

Food Sales:

Any food selling required a Health Certificate obtained from the local Board of Health, where you intend to sell your goods. Also a Sales Tax Registration Number must be obtained from the Department of Revenue located at Saltonstall Building, 100 Cambridge St., Boston, MA.

Fish or Shellfish Sales:

In addition to the Hawkers and Peddlers License, a Retail Detailers Permit as required by Chapter 130 of Mass General Laws, must be obtained from the Division of Marine Fisheries located at the Saltonstall Building, Room 1901, 100 Cambridge Street, Boston, MA.

Local Rules and Regulations:

All licenses issued are subject to local rules and regulations. Applicants are advised to check with the local Police Departments concerning local rules, regulations and other restrictions prior to filing your application. Fees are not refundable once the license has been issued.

More Information Available Online at: <http://www.state.ma.us/standards/index.htm>

PERSONAL MASSACHUSETTS CRIMINAL RECORD REQUEST FORM

If you would like a copy of your own Massachusetts criminal record, complete this form, sign it in front of a notary public, and mail it, **along with a check or money order made payable to the Commonwealth of Massachusetts in the amount of \$25.00 pursuant to M.G.L. c.6, §172A** and a self-addressed stamped envelope to this agency. Walk-in service is not available. If you are incarcerated and a notary public is not available, have an official of the correctional facility endorse same. This agency's mailing address is: the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 ATTN: CORI Unit

Please be advised that it is unlawful to request or require a person to provide a copy of his criminal offender record information, except as authorized by the Criminal History Systems Board, as per M.G.L. c. 6 §172.

Last name	First name	Middle name
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Maiden name	Alias
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Date of birth (MM/DD/YY)	Social Security Number (requested but not required)
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Mailing address	Town	State	Zip code
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I hereby swear, under the pains and penalties of perjury, that the information I have provided above is true, and to be best of my knowledge and belief.

Signature of requestor	Date
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AUTHENTICATION OF SIGNATURE BY NOTARY PUBLIC OR CORRECTIONAL FACILITY

_____, SS.

The above-named _____ appeared before me, the undersigned authority, this _____ day of _____, 200 ____ and acknowledge the foregoing signature to be made of his or her own true free act and deed.

Notary public

Correctional Facility Official (give rank and title)

My commission expires

Correctional Facility Address and Phone

Amherst Health Department, Environmental Health Services
Bangs Community Center, 2nd Floor
70 Boltwood Walk
Amherst, MA 01002
(413) 256-4033

Mobile Food Service

1. Must provide copy of Hawker and Peddler's License.
An application for a State Hawker & Peddler's License (\$62.00) is available through the Massachusetts Division of Standards (PH: 617-727-3480), online at www.mass.gov/standards/license.htm or in the Town Manager/Select Board Office in Town Hall , 4 Boltwood Avenue, Amherst, MA 01002 (PH: 413-256-4001).
2. New applicants are to fill out a "Food Establishment" application for permit and must fill out the three (3) page questionnaire. Mobile Food Service application available from the Amherst Health Department, Environmental Health Services, 70 Boltwood Walk, Amherst, MA 01002 or online at www.amherstma.gov under Town Government/Departments/Health./Permits & Licenses.
3. Bring or send this information and a check for \$100.00 made out to the **Town of Amherst** to the Amherst Health Department, Environmental Health Services, 70 Boltwood Walk, Amherst, MA 01002.
4. License expires one year from date the permit is issued.
5. A Lunch Cart License (\$100.00) from the Amherst Select Board may be required. Applications are available in the Select Board Office in Town Hall, 4 Boltwood Avenue, Amherst, MA 01002 (PH: 413-256-4001) or online at www.amherstma.gov under Town Government/Select Board/Permits & Licenses